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1. The Office Action sent 12/24/2008 has missing words in the 35 USC § 112 1st paragraph rejection due to the Office Action has been erroneously edited. On page 2, last 4 and 5 lines, the phrase "Regarding to Claim 1, the elements and means "a determining means", "a specifying means" and "a calculating means" have been described in the specification." The original text should be -- Regarding claim 1, the elements and means "a determining means", "a specifying means" and "a calculating means" are indefinite because these elements are not clearly defined in the specification.--.

Instead of adding the missing word, the 35 USC § 112 1st paragraph rejection sent on 12/24/2008 is withdrawn and deleted. The original 35 USC § 112 second paragraph rejection is modified because it invokes 35 U.S.C. 112, sixth paragraph.

This is a corrected version with a new response date.

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Drawings Objected To, Details Not Shown

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "determining means", "specifying means" and "calculating means" as in Claim 1 must be shown or the features canceled from the claim. No new matter should be entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to Claim 1, Claim element "a determining means", "a specifying means" and "a calculating means" are means (or step) plus function limitations that invoke 35 U.S.C. 112, sixth paragraph. The written description fails to disclose the corresponding structure, material, or acts for the claimed function. For example, Claim 1 merely setting forth physical

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characteristics desired in means such as "determining means", "specifying means", "calculating means" and not setting forth specific components such as "equalizer", "PRIML", "DSP" etc. as illustrated in Fig. 1 which would meet such characteristics, are invalid as vague, indefinite, and functional since they cover any conceivable combination of ingredients either presently existing or which might be discovered in future and which would impart desired characteristics.

Applicant is required to: (a) Amend the claim so that the claim limitations will no longer be a means (or step) plus function limitations under 35 U.S.C. 112, sixth paragraph; or (b) Amend the written description of the specification such that it expressly recites what structure, material, or acts perform the claimed function without introducing any new matter (35 U.S.C. 132(a)).

If Applicant is of the opinion that the written description of the specification already implicitly or inherently discloses the corresponding structure, material, or acts so that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function, Applicant is required to clarify the record by either: (a) Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for

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performing the claimed function and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or (b)

Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

The claims not specifically mentioned above are indefinite based upon their dependence on an indefinite claim.

Related Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yokoi (7,006,419) is pertinent because Yokoi teaches an information recording device having a laser power control circuit.

Naoi (7,099,251) is pertinent because Naoi teaches an information recording device having a laser power control circuit.

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6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

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/Kim-Kwok CHU/
Examiner AU2627
May 1, 2009
(571) 272-7585

/William J. Klimowicz/

Primary Examiner, Art Unit 2627